

## **REMARKS**

### **Status of the Claims**

Claims 1-4 and 7 are pending in the present application. Claim 8 is canceled. Claims 5 and 6 were previously canceled. Claims 1 and 7 are amended. Support for these amendments is found throughout the application as originally filed including, *e.g.*, on page 9, 4<sup>th</sup> paragraph and page 13. No new matter has been added by way of this amendment. Reconsideration is respectfully requested.

### **Issue Under 35 U.S.C. § 112, first paragraph**

Claims 1 and 7, including dependent claims 2-4 and 8, are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner alleges that the phrases “at least”  $1 \times 10^6$  cells and “at least”  $3 \times 10^6$  cells introduces new matter. The Examiner further states that the present application supports  $1 \times 10^6$  and 3 to  $5 \times 10^6$  cells, but there is allegedly no support for the phrase “at least.”

Although Applicants do not agree with the Examiner, the claims are amended to specify the cell number that the Examiner agrees is supported by the present application.

Accordingly, Applicants believe that the rejection is overcome and respectfully request withdrawal thereof.

### CONCLUSION

In view of the above amendment, Applicants believe that the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact L. Parker, Reg. No. 46,046, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

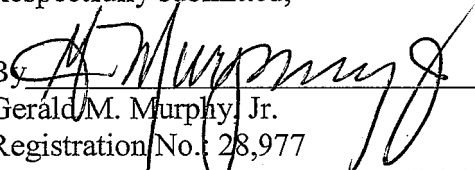
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated:

OCT 08 2009

Respectfully submitted,

By

  
Gerald M. Murphy, Jr.

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